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16.07.08

Reference ST104PEP	Application No./Patent No. 04757129.4 - 2310 / 1651122 PCT/US2004023193
Applicant/Proprietor Synthes GmbH	

### Communication

The European Patent Office herewith transmits as an enclosure the supplementary European search report under Article 153(7) EPC for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

- ☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

### Refund of the search fee

If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	EP 0 705 572 A (SYNTHES AG [CH]) 10 April 1996 (1996-04-10) * figures 1,3,8,9 * * column 1, lines 5-9 * * column 3, lines 4-40 * * claims 8,9 *	1,2,5	INV. A61B17/80
Y	-----	3,4	
X	WO 01/19267 A (SYNTHES AG [CH]; SYNTHES USA [US]; WEAVER PAUL C [US]; MAST JEFF W [US]) 22 March 2001 (2001-03-22) * page 7, paragraph 2 * * page 10, paragraph 2 * * page 11, paragraph 3 * * figures 3,7,11-18,26 *	1,2	
X	DE 198 58 889 A1 (WOLTER DIETMAR [DE]) 21 June 2000 (2000-06-21) * figures 2a,2c,2f,2h,3,4 * * column 6, line 52 - column 7, line 32 * * claims 3,21 *	1	
Y	US 5 681 311 A (FOLEY KEVIN T [US] ET AL) 28 October 1997 (1997-10-28) * figures 2,6 * * column 3, line 66 - column 4, line 15 * * figures 15,16 * * column 4, lines 48-61 *	3,4	
			TECHNICAL FIELDS SEARCHED (IPC)
			A61B
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search		Date of completion of the search	Examiner
Munich		8 July 2008	Louka, Maria
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	



### CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing claims for which payment was due.

- ☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for those claims for which no payment was due and for those claims for which claims fees have been paid, namely claim(s):
- ☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for those claims for which no payment was due.

### LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- ☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- ☐ As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- ☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
- ☐ None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:
- ☒ The present supplementary European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims (Rule 164 (1) EPC).



The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-5

Bone plate assembly for spinal surgery

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2. claims: 6-20

Surgical drill guide assembly

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The application lacks unity within the meaning of Article 82 EPC, for the following reasons:

The bone plate assembly of claim 1 has nothing in common with the drill guide assembly of claim 6.

There are no common or corresponding technical features between the two inventions, i.e. the plate assembly and the drill guide assembly and hence there is no unity.

Hence, the following two inventions are not so linked as to form a single general inventive concept:

- 1: Claims 1-5: bone plate assembly
- 2: Claims 6-20: drill guide assembly

In accordance with Rule 164(1) EPC the supplementary search report has been drawn up on those parts of the application which relate to the invention first mentioned in the claims.

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 04 75 7129

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.  
The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

08-07-2008

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